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REMARKS

After entry of this paper, claims 1-11, 14-16, and 25-28 are pending. Claims 12-13 are canceled. The claims were amended to clarify the invention and to place the application in condition for allowance. The amendments to claims 1, 8-11, and 28 are supported in the originally filed specification and claims and specifically on page 36, line 2 and in the examples. No new matter is added by these amendments.

35 USC § 103(a) Rejection

Claims 1-16 and 25-28 are rejected under 35 USC § 103(a) over International Patent Publication No. WO 00/66570 ('570) and Applicants' acknowledgement on page 4, lines 3-5 of Applicants' specification in view of US Patent Application Publication No. 2002/0061875 (Gast).

The Examiner asserted that one would have been motivated to employ the cyclothiocarbamate derivatives of '570 for the progestins of Gast because each function as progesterone agonists.

Applicants respectfully request reconsideration and withdrawal of this rejection because the combination of '570 and Gast does not suggest the present invention.

The combination of '570 with Gast does not suggest the selection of the specifically claimed compounds of formula I or II as recited in claims 1-11, 14-16, and 25-28 and a selective estrogen receptor modulator. Therefore, the combination of Gast with '570 does not suggest the present invention.

Reconsideration of this rejection is requested.

Double Patenting Rejection

Claims 1-16 and 25-27 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 91 and 92 and the claims on which they directly or indirectly depend of US Patent No. 6,436,929 ('929) in view of '570 and Gast.

Applicants respectfully request reconsideration and withdrawal of this rejection for the following reason.

'570 and Gast are discussed above and do not teach or suggest the present invention.

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For the reasons provided above, one would not be motivated to combine '570 ('929) and Gast to provide the methods and kits of the present invention which require specific progestins not specifically recited in either '570 or Gast. One would not be motivated to combine the specific progestins recited in the pending claims with the anti-estrogens of Gast with the expectation that the same would be useful in contraception. Therefore, Gast cannot be combined with '570 to teach or suggest the present invention.

Reconsideration of this rejection is requested.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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